DELEGATIONS & PROCESSING

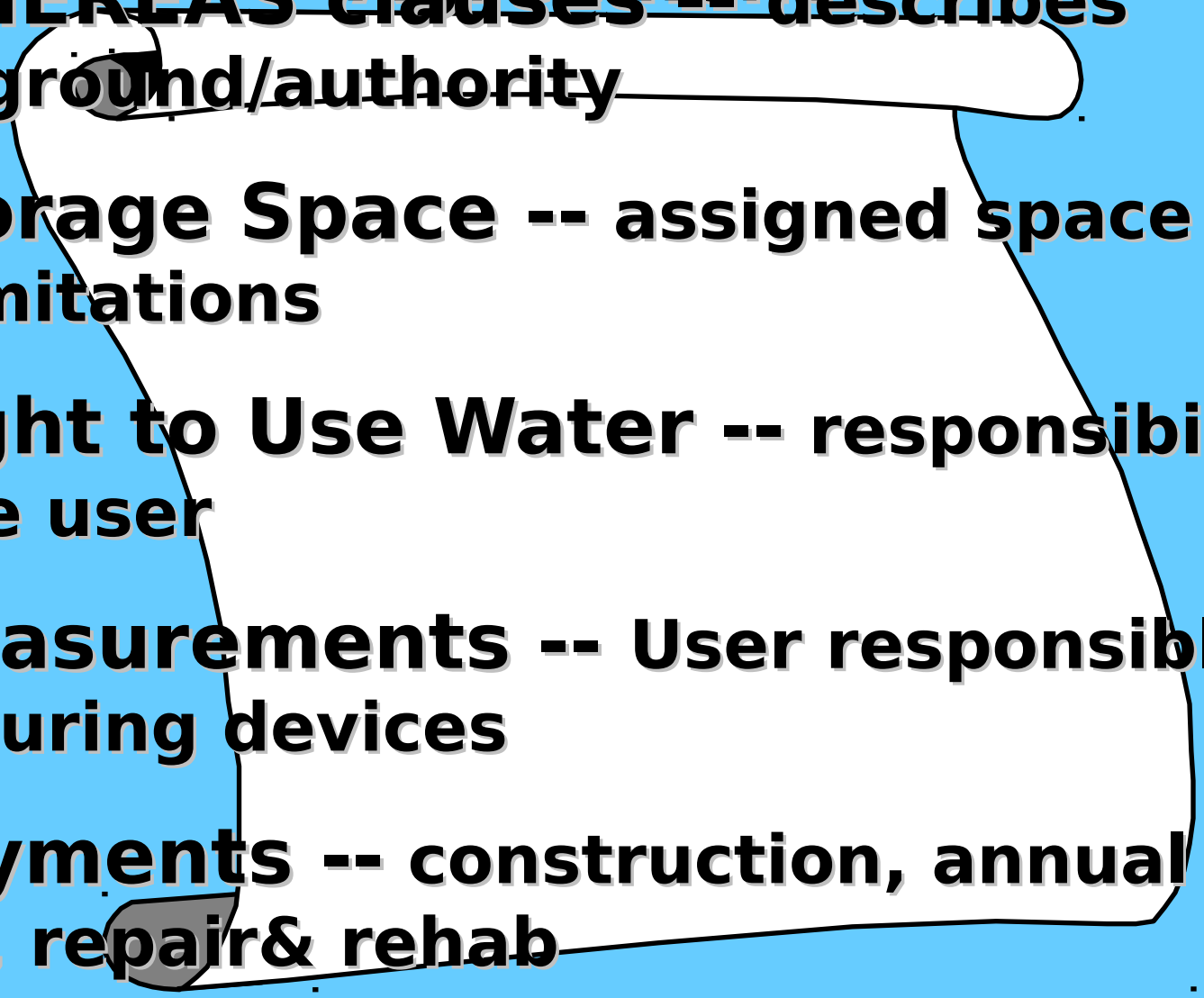
- Model Agreements
- Delegations
- Processing
- Common Issues – Problems
- Unique Situations / Future Attractions

Steve Cone (CECW-PC)
FY 04 PA Program
Portland, OR
5-9 April 2004

Provisions of the Surplus Water Agreement

- **WHEREAS clauses -- describes background/authority**
- **Water Supply/withdrawals-- reserved space & limits**
- **Metering -- User responsible for measuring devices**
- **Right to Use Water -- responsibility of the user**
- **Payments -- sets out the amount based on policy**
- **Duration – generally not to exceed 5**

Provisions of the Water Storage Agreement



- **WHEREAS clauses -- describes background/authority**
- **Storage Space -- assigned space and its limitations**
- **Right to Use Water -- responsibility of the user**
- **Measurements -- User responsible for measuring devices**
- **Payments -- construction, annual O&M, repair& rehab**
- **Permanent Rights -- upon completion**

WATER SUPPLY APPROVAL AUTHORITIES

- Originally Authorized
- Reallocations/Modifications

APPROVAL of ORIGINALLY AUTHORIZED STORAGE

- Delegated to HQUSACE
  - If follows model agreement & policies
- HQUSACE may further delegate to Divisions/District Commanders
  - Options

WATER SUPPLY REALLOCATION APPROVAL AUTHORITY

- WSA of 1958, as amended, allows reallocation without Congressional approval if it doesn’t seriously affect original project purposes or involve major structural or operational changes

WATER SUPPLY REALLOCATION APPROVAL AUTHORITY

- Reallocation is permitted for M&I water supply only
- Corps policy limits reallocations to 50,000 acre-feet of 15% of the total usable storage, whichever is less
  - Exceptions

APPROVAL of REALLOCATIONS

- COMMANDER, USACE – if <15% or < 50,000 acre-feed **and** not requiring Congressional approval

- DIVISION COMMANDER – if < 499 acre-feet – delegated from Commander, USACE

APPROVAL of REALLOCATIONS EXCEPTIONS

- All reallocation reports are submitted to the ASA (CW) with the draft water supply agreement
- When the cumulative amounts or storage exceed the lesser of 4,000 acre-feet or 10% of available storage, reports will be submitted to HQ for review by the ASA (CW)

APPROVAL of AGREEMENTS for REALLOCATED STORAGE

Draft

From – To (acre-feet)	*Approval by
0 – 99	District
100 – 499	Division
500 & up	ASA CW)

* For reallocations that do not require Congressio
Approval and that follow the model format or the
With approved changes

APPROVAL of AGREEMENTS for REALLOCATED STORAGE
Final

From – To (acre-feet)	Approval by
0 – 499	District
500 – 999	HQUSACE
1000 & up	ASA CW)

PROCESSING at HQ

- Send documents (10 copies in draft form to HQ-MSC/RIT)

  - model contract/agreement with red line changes
  - list of deviations with explanation for changes
  - clean copies revised model

- MSC-RIT will “manage” review and processing
- Team assigned from CECW-PC, CECC-G, CERE-A, CECW-E, CECW-O as necessary

PROCESS of DRAFTS
(10 Copies)

- If significant revisions needed, documents returned to Div/Dist with comments and resubmittal
- If no or minimal changes, HQ will send to ASA with recommendations, or return to field to finalize as appropriate
- Target Time – 30 Days

PROCESSING of FINALS

(4 Copies Ready for Signature/Approval)

- Most delegated to district or division
- Those that require ASA approval, will be sent after district/sponsor sign
- Those requiring HQ approval, will be sent to DCW after district/sponsor sign
- Ensure Review Record is included in packages

POST PROCESSING

- Furnish “copy” of signed/approved to HQ-MSC-RIT (includes those approved at

  district/division level)

COMMON ISSUES-PROBLEMS

- Storage – Yield Relationships
- HP Losses and Compensation
- Consideration of FC storage
- DYMS
- Total Useable Storage
- Updating Storage Costs
- Return Flows
- NED vs. Financial Analysis
- Section 322/WRDA 88 qualifications
- Unsupported Deviations
- Extraordinary WS Demands

UNIQUE SITUATIONS / FUTURE ATTRACTIONS

- Renewals
- Credits for Prior Payments
- Interstate Disputes
- 30-year payment limits
- Increased Delegations
- Pricing for Un-Reliable Water Supply
- WS as a Business Program
- Centers of Expertise

Current Projects

Howard Hansen, WA

Lake Lanier, GA

Seven Oaks, CA